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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,582	01/16/2002	Victoria M. Bellotti	131385	4948
25944	7590	11/20/2007	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850			BLAIR, DOUGLAS B	
		ART UNIT	PAPER NUMBER	
		2142		
		MAIL DATE	DELIVERY MODE	
		11/20/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/046,582	BELLOTTI ET AL.
	Examiner Douglas B. Blair	Art Unit 2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 05 September 2007.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-5 and 7 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-5 and 7 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____.<br><br><i>DBB</i>                                       | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/5/2007 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to claims 3-5 and 7 have been considered but are moot in view of the new ground(s) of rejection. U.S. Patent Number 6,212,553 to Lee et al. is considered to render the newly amended and argued claim language obvious because the applicant's claims are merely "related" to priorities and deadlines but there is no specific relationship claimed between the claimed "metadata" and the deadlines and priorities. Lee makes these concepts obvious when considering the broad, non-limiting language used by the applicant.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 3-4 and 7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 3-4 and 7 are systems that are comprised

completely of software modules (See pages 8-10 of the applicant's specification). Software per se does not fall into a statutory category of invention.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,917,965 to Gupta et al. in view of U.S. Patent Number 6,212,553 to Lee et al.

As to claim 3, Gupta teaches a system for managing and tracking information items within a first message-based system, the first message-based system being one of a set of message-based systems within a workgroup, the first message-based system having a viewer, the system comprising: (a) a thrask generating module generating a plurality of thrasks (col. 3, lines 1-8), each of the thrasks including at least one information item the is assigned a set of metadata, the metadata including at least one of the group of a deadline, a reminder, a deferral and an obligation (col. 8, lines 18-31 and 46-54); (b) a sorting module sorting a new information item into one of the thrasks in accordance with at least one criterion (col. 9, lines 11-24); (c) a display module displaying one or more of the thrasks and at least one of the metadata of each of the information items in each of the displayed thrasks in the viewer (col. 11, lines 1-4); and an updating module updating the thrasks and at least one metadata based on at least one of user

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input, archived data in a database, time and progress (col. 10, lines 16-18); however Gupta does not explicitly state that the meta data is “related” to priorities and events of information items.

Lee teaches email threads that take into account deadlines and priorities (col. 16, lines 13-19, col. 20, line 41-col. 21, line 35, and col. 22, line 65-col. 23, line 15).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gupta regarding the management of threads and annotations with Lee regarding properties of email threads such as priorities and deadlines because Lee teaches specific implementations of email threads that would produce a predictable result when combined with the broader teachings of Gupta regarding email threads. As pointed out previously in this action, the applicant's claims are only directed towards a generic relationship between metadata and priorities and deadlines.

As to claim 4, Gupta teaches the system of claim 3 wherein the first message-based system has different capabilities than at least one in the set of message based systems (the Gupta invention has different capabilities than a regular email system).

As to claim 5, Gupta teaches a method for managing and tracking information items within a first message-based system, the first message-based system being one of a set of message-based system within a shared workgroup, the message-based systems being synchronized periodically with a shared workgroup component on a server, the first message-based system having a viewer, the method comprising the operations of: (a) generating a plurality of thrasks (col. 3, lines 1-8), each of the thrasks including at least one information items having a set of metadata (col. 7, line 62-col. 10, line 5, this section defines the set of metadata); (b) sorting a new information items into one of the thrasks in accordance with at least one

criterion (col. 9, lines 11-24); (c) displaying one or more of the thrasks and at least one of the metadata of one of the information items in one of the displayed thrasks in the viewer (col. 11, lines 1-4); and (d) providing a shared view of some of the thrasks to a subset of the message-based systems within the shared workgroup in response to a user selection of an option (col. 12, lines 11-23) and an updating module updating the thrasks and at least one metadata based on at least one of user input, archived data in a database, time and progress (col. 10, lines 16-18) ; however Gupta does not explicitly state that the meta data is “related” to priorities and events of information items.

Lee teaches email threads that take into account deadlines and priorities (col. 16, lines 13-19, col. 20, line 41-col. 21, line 35, and col. 22, line 65-col. 23, line 15).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gupta regarding the management of threads and annotations with Lee regarding properties of email threads such as priorities and deadlines because Lee teaches specific implementations of email threads that would produce a predictable result when combined with the broader teachings of Gupta regarding email threads. As pointed out previously in this action, the applicant's claims are only directed towards a generic relationship between metadata and priorities and deadlines.

As to claim 7, Gupta teaches a system for managing and tracking information items within a first message-based system, the first message-based system being one of a set of message-based systems within a shared workgroup, the message-based systems being synchronized periodically with a shared workgroup component on a server, the first message-based system having a viewer, the system comprising: (a) a thrask generating module generating

a plurality of thrasks (col. 3, lines 1-8), each of the thrasks including at least one information item having a set of metadata (col. 7, line 62-col. 10, line 5, this section defines the set of metadata); (b) a sorting module sorting a new information items into one of the thrasks in accordance with at least one criterion (col. 9, lines 11-24); (c) a display module displaying one or more, of the thrasks and at least one of the metadata of one of the information items in one of the displayed thrasks in the viewer (col. 11, lines 1-4); and (d) a sharing module providing a shared view of some of the thrasks to a subset of the message-based systems within the shared workgroup in response to a user selection of an option (col. 12, lines 11-23) ; however Gupta does not explicitly state that the meta data is “related” to priorities and events of information items.

Lee teaches email threads that take into account deadlines and priorities (col. 16, lines 13-19, col. 20, line 41-col. 21, line 35, and col. 22, line 65-col. 23, line 15).

It would have been obvious to one of ordinary skill in the Computer Networking art at the time of the invention to combine the teachings of Gupta regarding the management of threads and annotations with Lee regarding properties of email threads such as priorities and deadlines because Lee teaches specific implementations of email threads that would produce a predictable result when combined with the broader teachings of Gupta regarding email threads. As pointed out previously in this action, the applicant's claims are only directed towards a generic relationship between metadata and priorities and deadlines.

*Conclusion*

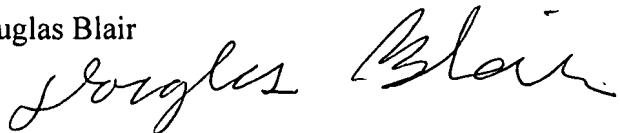
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas B. Blair whose telephone number is (571) 272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas Blair

A handwritten signature in black ink that reads "Douglas Blair". The signature is fluid and cursive, with "Douglas" on the first line and "Blair" on the second line, slightly overlapping.